REMARKS

The examiner's action dated May 17, 2006, has been received, and its contents carefully noted.

In response to the rejection presented in Section 2 on page 2 of the Action, and in order to advance prosecution, claim 1 has been amended only to more clearly define the physical and functional relation between the measuring device and the actuator. Reference to "a control means" has been deleted as unnecessary to fully define the novel machine according to the invention. Support for the form of recitation now appearing in claim 1 will be found in the specification, as originally filed, at page 2, lines 2-4.

The following explanation is provided in response to the questions presented in Section 2 of the action.

In a machine according to the invention, the fork members are mounted in a cantilever manner so that when they are supporting a load there will be a tendency for them to tilt downward. As a result, paper reels being carried by the fork may be oriented in such a manner that it may be damaged during transfer to a storage location. The purpose of the present invention is to compensate for such tilt by measuring

the load being supported by the fork members and employing the measuring data indicating the load carried by the fork to pivot the fork, or more precisely the fork members, back into a horizontal position. Of course, the relation between the load on the fork members and the extent to which the fork must then be pivoted can be determined preliminarily based on tests that indicate the amount of tilting of the fork members when subjected to different loads.

Thus, the object of this aspect of the invention is to offset tilting of a fork due to the load thereon by vertically pivoting the fork in response to signals obtained by measuring that load.

It is submitted that claim 1 now clearly and unambiguously defines this feature of the invention.

Also for purposes of clarity, claim 1 has been amended to specify that the actuator is coupled to the fork. Support for this form of recitation will be found in the specification at page 6, lines 3-4. It is believed that the explanation presented above fully clarifies the physical and functional relations among the fork, the actuator and the measuring device. If the recitations appearing in claim 1 are

still considered to not be clear, it is requested that the Examiner contact undersigned to discuss, and seek to resolve, the matter.

The rejection of claims 1 and 3-5 as anticipated by Seaberg is again respectfully traversed.

As pointed out previously during the examination procedure, Seaberg does not disclose a measuring device that detects the load of a paper reel, but simply detects a horizontal or vertical position of the load. If the Seaberg technique were applied to a machine provided with a fork, which is different from the type of carrying device disclosed by Seaberg, detection of the horizontal or vertical position of the fork would not provide an indication of the tilt being experience by the fork due to the load that it is carrying. Therefore, there is no assurance that, at the time the load is to be transferred to a storage location, the load is in a truly horizontal position. As a result, damage could occur to the load when is being deposited at the storage location.

It is therefore submitted that claim 1 clearly distinguishes in an unobvious manner over Seaberg by its recitation of "at least one measuring device that detects the

carrying load of a picked-up paper reel, said machine further comprising an actuator coupled to said fork and to said at least one measuring device to receive measuring data indicating the load carried by said fork, said actuator being coupled to said fork to vertically pivot said fork into a horizontal position in accordance with the measuring data and to hold said fork in this horizontal position doing transport of the paper reel".

The rejection of claim 2 is traversed at least for the reason that claim 2 depends from claim 1 and should be considered allowable along therewith.

The rejection presented in Section 7 is also traversed. Broersma, like Seaberg, does not contain any disclosure of a machine that includes measuring devices that detect the load being carried by the machine.

The indication of allowability of claims 6-14 is noted with appreciation. These claims have been retained in dependent form at the present time because claim 1 is believed to now be allowable.

It is noted that the action does not present any comment on the arguments presented in the amendment dated

December 19, 2005, and that the Office Action contains a repetition of the explanations presented in the action of September 23, 2005. It is understood that an applicant can expect some response to arguments previously presented. Therefore, if the application is not now found to be in allowable condition, it is requested that such a response be provided in order that applicant may be better apprised of the reasons for the action taken by the Examiner.

With this in mind, the remarks presented in the Amendment of December 19, 2005, are incorporated herein by reference.

In view of the foregoing, it is requested that the rejections of record be reconsidered and withdrawn, that claims 1-14 be allowed and that the application be found in allowable condition.

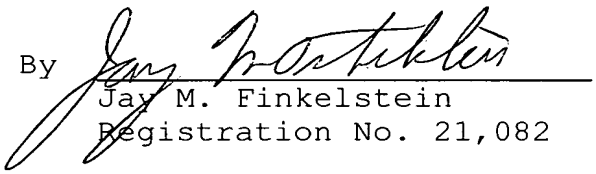
In this case, it is desired to discuss the application with the examiner after he has considered this response and if he finds that, for any reason, it does not place the application in allowable condition. Accordingly, it is requested that, if that situation exists, the examiner

telephone undersigned counsel to arrange for a telephone interview or a personal interview.

If the present submissions do not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By 
Jay M. Finkelstein
Registration No. 21,082

JMF:nlw
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\H\HANE\UPMEYER4\PTO\2006-08-11-amendment.doc